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September 15, 2020

VIA CM/ECF

Honorable Jesse M. Furman
United States District Judge
USDC, Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: Discovery Deadline (July 17, 2020)
ESI Cases and Accessories, Inc. v. Home Depot Product Authority, LLC
Civil Action No. 18-cv-11507-JMF

Dear Judge Furman:

Plaintiff hereby moves with the agreement of Defendant in the above-referenced matter for a brief extension of the discovery deadline to agree on procedure for and the complete inspection of inventory as well as Corporate Representative Depositions of each side for an additional sixty days.

Plaintiff and Defendants have been discussing the production of documents and depositions and counsel have agreed upon a schedule for production of documents and examinations. A further sixty (60) day extension will allow the orderly completion. We have conferred with Defendant's counsel who has consented to this additional 60 day extension to allow the depositions and document production. Please let me know if I can answer any questions or be of any further assistance.

Respectfully submitted,

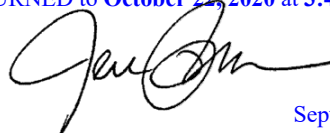
William M Pinzler

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cc: All Counsel of Record via CM/ECF

Under the Federal Rules of Civil Procedure, "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "A finding of good cause depends on the diligence of the moving party." *Grochowski v. Phoenix Const.*, 318 F.3d 80, 86 (2d Cir. 2003). Here, the parties – who have already received two previous extensions, *see* ECF Nos. 85, 88 – do not even make an effort to show good cause. Accordingly, the Court would be on firm ground denying the motion altogether. (The motion is also untimely under the Court's rules – and could be denied on that basis as well.)

That said, in light of the complications arising from the current public health situation and the fact that the parties have a settlement conference scheduled for September 30, 2020, the Court will – as a courtesy – grant one final 30 day extension of the fact discovery deadline. No further extensions will be granted. In light of the extension, the pretrial conference scheduled for September 24, 2020, is ADJOURNED to **October 22, 2020 at 3:45 p.m.** The Clerk of Court is directed to terminate ECF No. 98. SO ORDERED.



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